REMARKS

In the Office Action, the Examiner noted that: Claims 1-101 are pending in the application, of which Claims 1-101 are subject to restriction and/or election requirement.

By the present amendment Claims 102-111 have been added; Claims 78-79 and 102-111 are elected for further prosecution; and Claims 1-77 and 80-101 are withdrawn from consideration

Thus, Claims 1-111 are pending of which Claims 78-79 and 102-111 are under consideration.

Response to Arguments

In the Office Action Examiner required restriction to one of the following inventions, as required under 35 U.S.C. 121:

I. Claims 1-63 and 94-101, drawn to a luminal prosthesis, classified 623, subclass 1.42.

II. Claims 64-93, drawn to method of delivering a luminal prosthesis, classified in class 128, subclass 898.

The Examiner stated that the inventions I and II are distinct since the "process for using the product as claimed can be practiced with another materially different product such as implanting a luminal prosthesis that does not contain medical substances, for example, collagen and anti-platelet agents.

As to Group I, in paragraph 4 of the Office Action the Examiner further required election of species, with additional election of sub-species I through V.

As to Group II, the Examiner further required election of one of the species 1 through 7.

In response to the restriction requirement and election of species, Applicants elect Group II species C with traverse. Applicants respectfully submit that the process for using the product as claimed is practiced using a luminal prosthesis

containing medical substances, as both the product and process claims recite the use of a substance or pharmacological agent.

As to the election of species requirement of Group II, as indicated above, Applicants elect species C with Claims 78 and 79 readable thereon. However, Applicants respectfully submit that Claim 78 is generic to newly added Claims 102-110 and request Examination of Claims 78-79 and 102-110.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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APPENDIX A
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

102. (New) A method as in any of claims 78-79, wherein substantial release of the substance begins within a time period of 4 hours to 24 weeks in a vascular environment.

103. (New) A method as in any of claims 102, wherein substantial release of the substance begins within a time period of 1 day to 12 weeks in a vascular environment.

104. (New) A method as in any of claims 102, wherein substantial release of the substance begins within a time period of 2 days to 8 weeks in a vascular environment.

105. (New) A method as in any of claims 102, wherein substantial release of the substance begins within a time period of 3 days to 50 days in a vascular environment.

106. (New) A method as in any of claims 78-79 or 102-105: further comprising directing energy at the prosthesis to effect release of the substance from the prosthesis.

107. (New) A method as in claim 78, wherein the prosthesis incorporates the substance by coating, spraying, dipping, deposition, or painting the substance on the prosthesis.

108. (New) A method as in claim 78, wherein the substance is incorporated in a reservoir in or on a scaffold containing the substance.

109. (New) A method as in claim 106, wherein the energy is at least one of ultrasound, magnetic resonance imaging, magnetic field, radio frequency, temperature change, electromagnetic, x-ray, radiation, heat, gamma, or microwave.

110. (New) A method as in claim 78-79 or 102-105 wherein the prosthesis incorporates magnetic particles coupled to the substance and further comprising the step of directing a magnetic field at the prosthesis to effect release of the substance from the prosthesis.

111. (New) A method as in any one of Claims 78-79 wherein the substance comprises at least one agent selected from the consisting of immunosuppressant agent, anti-inflammatory agent, anti-proliferative agent, anti-migratory agent, anti-fibrotic agent, anti-thrombotic agent, anti-platelet agent, and IIb/IIIa agent.